



US Army Corps
of Engineers®

Public Notices

Public Meetings to discuss Mitigation Banking Templates

Published Sept. 9, 2019

What: Announcement of Two Public Meetings to discuss Mitigation Banking Templates and third party mitigation in the state of California. These meetings will be largely the same. It is not necessary to attend both. The second meeting is being scheduled to allow more participation from those in Southern California. **You do not need to RSVP to attend either of these meetings.**

First Meeting:

When: October 8, 2019, 1:00 PM – 4:00 PM

Where: Stanford room

650 Capitol Mall

Sacramento, California 95814

Security: All public visitors to the John E. Moss Federal Building, 650 Capitol Mall, Sacramento are required to pass through electronic security equipment located on the first floor. Valid identification is required and anything that could be perceived as a weapon will not be allowed to pass.

Second Meeting:

When: November 19, 2019, 1:00 PM – 4:00 PM

Where: USFWS Conference Room

2177 Salk Avenue

Carlsbad, California 92008

Security: All visitors are required to check in with the front desk before entering the conference room.

Who: These public meetings are open to interested parties, including mitigation and conservation bankers, consultants, environmental organizations, Federal, state and local agencies, and the regulated public.

Tentative Agenda:

1. Welcome & Introductions (15 minutes)
2. Overview of recent and proposed changes to regulation and policy (25 minutes)
 1. California update (15 minutes)
 2. Federal update (5 minutes)
3. Discussion of planned templates and template revisions (30 minutes)
4. Experience Using 2017 Bank Enabling Instrument (BEI) and Conservation Easement (CE) Templates (40 minutes)
5. 2017 Meeting Parking Lot Issues (30 minutes)
 1. Credit Releases in RIBITS
 2. Service Area Calculation
 3. Instrument modifications; major vs. minor
 4. PRM (turn-key) integration with banks
 5. Credit sales vs. permit requirements (decimal differences)
6. Stakeholder Discussion (30 minutes)
7. Recap & Adjourn (10 minutes)

SUBJECT: In 2017, a number of changes were made to the Bank Enabling Instrument (BEI) template and Conservation Easement (CE) template, for use in the development of mitigation and conservation banks that are within, or that propose service areas within the State of California. The Project Delivery Team (PDT) established by the [2011 interagency Memorandum of Understanding \(MOU\) concerning Mitigation and Conservation Banking and In-Lieu Fee Programs in California](#)

developed those final templates, following the consideration of comments received in response to public notice and public meetings, and following input from the Bank Agency Management Team (BAMT), established by the MOU. This meeting is an opportunity for attendees to discuss, among other things, experience with using the 2017 templates.

AUTHORITY: The templates are used in the development of mitigation banks, which provide mitigation for impacts from projects which have received authorizations to proceed under the authorities of Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States. Additionally, these templates are to be used when those mitigation banks would also propose to provide mitigation for projects which have been required to provide mitigation by USFWS, CDFW, NMFS, the State Water Board, and/or NRCS. These agencies have committed through the above mentioned MOU to establishing a combined and coordinated approach to mitigation and conservation banking which includes the development of template documents for use throughout the State of California. These templates reflect existing regulations, policies, and guidance and represent the way in which USACE, USFWS, NMFS, NRCS, EPA, the CNRA, the State Water Board, and CDFW intend to implement and provide a consistent approach to mitigation and conservation banking proposals.

If you have questions or need additional information please contact Tom Cavanaugh, 415-503-6574, Thomas.J.Cavanaugh@usace.army.mil.